

No. 09-16-00293-CV

IN THE COURT OF APPEALS
FOR THE NINTH DISTRICT OF TEXAS
BEAUMONT, TEXAS

FILED IN
9th COURT OF APPEALS
BEAUMONT, TEXAS
9/16/2016 2:44:04 PM
CAROL ANNE HARLEY
Clerk

IN RE JEAN-FRANCOIS GARIEPY

**REAL PARTY IN INTEREST, MARSHA CASTELLANOS' RESPONSE TO
RELATOR'S PETITION FOR WRIT OF MANDAMUS**

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PARTIES

Relator:

Jean-Francois Gariepy

Respondent:

The Honorable Jeff Branick

Judge, County Court

Jefferson County, Texas

Real Party In Interest:

Marsha Castellanos

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Texas Estates Code §1055.003	i, 4
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STATEMENT OF THE CASE AND SUMMARY OF ARGUMENT

Relator, who files his Petition for Writ of Mandamus and complains of the striking of his intervention by Honorable Jeff Branick, is an individual who lured a young woman to another state so that he could admittedly try to have a baby with her, while at the same time he was married to another woman who just had a baby.

These actions of Relator are even more disturbing considering the mountain of factual evidence attached to this Response and that is in the record, that the Ward is completely disabled and unable to understand the nature of her circumstances and who now wants nothing to do with Relator.

Relator's entire mandamus proceeding seems to hinge heavily on the fact that he believes Ward is pregnant. Ward is not pregnant and this was stated on the record at the hearing. See Appendix "1", Page 5, Lines 1-2, Transcript of Hearing. There has been no evidence that Ward is pregnant. Relator believes Ward is pregnant simply because he had relations with her after he lured her out of her parents' house to another state. An offense that the Honorable Jeff Branick suggested may be a crime. See Appendix "1", Page 13, Lines 15-22, Transcript of Hearing.

Relator also continues to call the Ward his fiancée when he is already married to another woman in North Carolina. The attachments to the Application for Appointment of Temporary Guardian of the Person established there is a child custody case ongoing but no divorce proceeding has been filed. See Exhibit "B" to the Application for Appointment of Temporary Guardian of the Person.

Relator filed a Motion to Intervene, which was properly denied by the Trial Court pursuant to Texas Estates Code Section 1055.003. Relator cannot establish the Trial Court abused its discretion because there are multiple factual disputes and issues. Relator has an adequate appellate remedy. Therefore, Relator is not entitled to mandamus relief.

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**REAL PARTY IN INTEREST, MARSHA CASTELLANOS' RESPONSE TO
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TO THE HONORABLE COURT OF APPEALS:

Real Party In Interest, Marsha Castellanos, submits this Response to Relator's Petition for Writ of Mandamus, and would respectfully show the Court the following:

STATEMENT OF FACTS

This guardianship proceeding was initiated by the Ward's parents when the Relator lured Ward to his home in North Carolina to attempt to have a baby with her. Ward has been declared incapacitated by a qualified psychiatrist's report included in the Application for Appointment of Permanent Guardian of the Person. See Appendix "2", Exhibit "A", Dr. Rosa Gonzalez' report. Relator now seeks to overturn Honorable Jeff Branick's decision to deny Relator's Motion to Intervene.

Real Party in Interest denies and challenges the facts in Relator's Statement of Facts, most of which are contained in his own Affidavit and are not evidence at all. Real Party in Interest asserts Ward is not and has never been Relator's fiancée, that Ward is

not pregnant, and that there is no planned abortion. Relator has no current divorce proceedings on file in North Carolina where he resides. Relator has no evidence that Ward is pregnant.

The most important facts in this case come from the Ad Litem's Report which was filed under seal and is still under seal with this Court and the Application for Appointment of Permanent Guardian of the Person, which contained a psychiatrist's report from Dr. Rosa Gonzalez, which complies with the requirements under the Texas Estates Code. See Appendix "2", Exhibit "A", Dr. Rosa Gonzalez' report. At the hearing held on August 17, 2016, Honorable Jeff Branick took judicial notice of both the Ad Litem Report and the Application for Appointment of Permanent Guardian of the Person. See Appendix "1", Page 3, Lines 24-25, Page 4, Lines 1-6, Transcript of Hearing.

The Application for Appointment of Temporary Guardian of the Person contains a report from Dr. Mark Thompson which states as follows, "*The Ward demonstrates the social and mental maturity of a 10 or 11-year-old child. She has no comprehension of cause and effect relationships and often is known to have impaired decision making.*" See Exhibit "A" to the Application for Appointment of Temporary Guardian of the Person. The Application for Temporary Guardian of the Person also contains child custody records for the legal proceeding in North Carolina which show that Relator is aggressive towards women, unstable and is obsessed with having a woman have his child. See Exhibit "B" to the Application for Appointment of Temporary Guardian of the Person, Pages 19-22.

The Report of the Attorney Ad Litem, under seal with this Court, states that the Ward has a long-standing diagnosis of Autism Spectrum Disorder F84.0, DSMV, and is

currently scared of the Relator, and is no longer contesting the guardianship. See Report of Attorney Ad Litem, Pages 2, 9. In fact, at the recent hearing on the Application for Permanent Guardian of the Person, the Ward appeared with the Attorney Ad Litem and told Honorable Jeff Branick that she agreed to the guardianship. The Attorney Ad Litem reported that the Relator did not have the Ward's best interests in mind and that his primary focus is on having a baby and not on the Ward's best interests. See Report of Attorney Ad Litem, Page 12.

The Application for Appointment of Permanent Guardian of the Person contains a statutory psychiatrist report from Dr. Rosa Gonzalez. See Appendix "2", Exhibit "A", Dr. Rosa Gonzalez' report. Dr. Gonzalez is the psychiatrist who examined Ward and believes Ward is incapacitated and unable to care for herself. See Appendix "2", Exhibit "A", Pages 3, 10, 11, Dr. Rosa Gonzalez' report. Dr. Gonzalez also expressed concerns over Relator's motives and Relator's judgment seemingly taking advantage of a young mentally challenged woman. See Appendix "2", Exhibit "A", Page 10, Dr. Rosa Gonzalez' report.

At the hearing, Honorable Jeff Branick asserted that he believed Relator may have committed a crime for taking advantage of a disabled person. See Appendix "1", Page 13, Lines 15-22, Transcript of Hearing. Also, an Order was signed on the Application for Appointment of Permanent Guardian of the Person, which terminated the temporary guardianship and had Real Party in Interest, Marsha Castellanos, appointed as the Ward's permanent guardian. See Appendix "3", Order Appointing Permanent Guardian of the Person. Ward consented to and appeared at the hearing with no objection to the guardianship itself.

Undersigned counsel requests this Appellate Court review the documents establishing what has actually taken place in this matter and not just the self serving delusional facts put forward by Relator.

ARGUMENT AND AUTHORITIES

Relator is not entitled to mandamus relief and Relator has not provided this Court with evidence or a clear argument as to why he would be entitled to mandamus relief. Relator cites law from child custody cases, but this is not a child custody case. Relator cites to Texas Rule of Civil Procedure 60 on interventions, but he completely ignores that there is a unique intervention rule as it relates to guardianships in the Texas Estates Code, which will be discussed below. Most of Relator's argument is based on the fact that he believes he is Ward's fiancée and he believes that Ward is pregnant, neither of which are factually true and neither of which would provide mandamus relief, even if they were true.

Honorable Jeff Branick denied Relator's Motion to Intervene and stated that he lacked standing. See Appendix "1", Page 11, Lines 16-20, Transcript of Hearing. Under Texas Estates Code Section 1055.003 the Trial Court has discretion to grant or deny a motion to intervene and in exercising that discretion, must consider whether (1) the intervention will unduly delay or prejudice the adjudication of the original parties' rights; or (2) the proposed intervenor has such an adverse relationship with the Ward that the intervention would unduly prejudice the adjudication of the original parties' rights.

Therefore, in ruling on Relator's Motion to Intervene, the Trial Court has broad discretion. Relator must show in this mandamus proceeding that the Trial Court abused its discretion and that there are no factual disputes. Otherwise, Relator's mandamus fails. Relator must show that he has a clear legal right to the performance of a certain act. *See Tilton v. Marshall*, 925 S.W.2d 672, 682 (Tex. 1996). If the right depends on facts that are doubtful or disputed, mandamus will not issue. *See Dow Chemical Co. v. Garcia*, 909 S.W.2d 503, 505 (Tex. 1995). Relator must show there are no factual disputes about the Relator's right or the Respondent's duty. If there are factual disputes, relief by mandamus is not appropriate. *See In re Angelin*, 185 S.W.3d 558, 560 (Tex. 2001). Not only are there fact issues which would have to be resolved to grant mandamus, but (1) the Trial Court under the Texas Estates Code has broad discretion; (2) Relator has not shown an abuse of discretion and (3) Relator has failed to show there were no factual disputes in the Trial Court.

A Writ of Mandamus issues to correct a clear abuse of discretion when there is no adequate appellate remedy. *See In re TDFPS*, 210 S.W.3d 609, 612 (Tex. 2006). In reviewing a Trial Court's resolution on factual issues underlying its ruling, the reviewing court cannot substitute its judgment for that of the Trial Court. *See Walker v. Packer*, 827 S.W.2d 833, 839 (Tex. 1992). The Relator must establish that the Trial Court could have reasonably reached only one decision. *See Liberty Nat'l. Fire Ins. v. Amin*, 927 S.W.2d 627 (Tex. 1996). Relator has failed to meet this element in order to be entitled to mandamus relief.

All of Relator's arguments as to why the Trial Court abused its discretion would involve the resolution of factual disputes, which is not appropriate for mandamus relief.

Relator also has an adequate appellate remedy. Relator never provides a good basis for arguing that he does not have an adequate appellate remedy. In a probate matter, it is not necessary that the order fully dispose of the entire probate proceeding. The order need only conclusively decide the controversy for which that particular proceeding was brought. *See Crowson v. Wakeham*, 897 S.W.2d 779, 781-82 (Tex. 1995). Because an Order that a litigant lacks standing disposes of all the issues in the proceeding for which it is brought, such an order is a final judgment that may be appealed. *See A&W Industries, Inc. v. Day*, 977 S.W.2d 740 (relying in part on the court's decisions in *Womble v. Atkins*, 334 S.W.2d 294 (1960)), which stated that a judgment holding that a person has no interest in an estate and a consequent dismissal of an application for probate, or contest of a Will, is a final judgment and is appealable.

This Court has previously cited to *Crowson* and *Womble* in the cases of *In re Peggy Bowie*, Cause No. 09-08-118CV (Orig. Proceeding, Per Curiam Opinion dated April 3, 2008), and in *In the Estate of Chad Eric McDonald*, Cause No. 09-13-00470-CV (Opinion dated November 27, 2013) in finding that a party did not have the right to mandamus relief when they were in similar circumstances as Relator.

Additionally, the facts, as they relate to Relator's actions and the mental capacity of the Ward, way heavily in favor of the striking of Relator's Motion to Intervene and the denial of his mandamus. The relief Relator is now requesting is moot because the temporary guardianship proceeding is over and the permanent guardian proceeding is complete and Marsha Castellanos, Real Party in Interest, has been appointed Permanent Guardian of the Ward. *See Appendix "3", Order Appointing Permanent Guardian of the Person.*

Relator has not established he is entitled to the extraordinary relief of mandamus. Relator, if he had his way, could take advantage of a disabled young lady whose parents have come to the Courts of Jefferson County to seek help and to protect their daughter.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Real Party in Interest, Marsha Castellanos, prays that this Court deny Relator's Petition for Writ of Mandamus, dismiss the Appeal of Relator, Jean-Francois Gariepy, and further grant Real Party in Interest all other relief, either at law or in equity, to which she may be justly entitled to receive.

Respectfully submitted,

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COUNSEL FOR REAL PARTY IN INTEREST

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument has been forwarded to all counsel of record, in accordance with the Texas Rules of Civil Procedure this 16th day of September, 2016.

Jean-Francois Gariepy
1212 Washington Street
Durham, North Carolina 27701

VIA CERTIFIED MAIL, RRR
7015 3010 0001 0853 7582



Wyatt D. Snider

APPENDIX “1”

A P P E A R A N C E S

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1
2 THE COURT: The Court calls Cause
3 No. 115533. The Estate of Jacquelyn Castellanos. I have
4 an application for appointment of temporary guardian of
5 the person filed by Marsha Castellanos on August 3rd of
6 2016 by Mr. Snider, along with the TRO; motion to
7 intervene, motion to quash TRO, motion to quash service
8 of writ, TRO and application, motion to strike affidavit
9 of filed by Jean-Francois Gariepy, pro se; and response
10 to all of those motions filed by Mr. Snider.

11 Are the parties ready to proceed?

12 MR. SNIDER: Yes, Your Honor.

13 THE COURT: Please do.

14 MR. SNIDER: Your Honor, if I can, just to
15 start off with, obviously, I'm Wyatt Snider. I'm here
16 representing Marsha Castellanos, who is the applicant for
17 her daughter as the proposed ward, Jacqueline
18 Castellanos. Also present is Dr. Miguel Castellanos. He
19 is the father of Jacqueline Castellanos. He's not an
20 applicant, but he is the father and he is a necessary
21 party.

22 I'm also here with Josh Heinz, who is also
23 representing the Castellanos; and Grace Nichols, attorney
24 ad litem is here. Before we start, I would like the
25 Court to take judicial notice of both Ms. Nichols' report

1 -- attorney ad litem report, and we also filed an
2 application for permanent guardian yesterday. Attached
3 to the permanent -- it's not being heard today, but I
4 think it's important -- attached to that is a medical
5 examination with the statutory report signed by Dr.
6 Gonzalez. So, those are all there today. So, what all
7 we're really here doing today is essentially an
8 application for a temporary guardianship.

9 As the Court knows, we filed this
10 application, we asked for a temporary restraining order
11 because the proposed ward, Jacqueline Castellanos, had
12 gone to North Carolina to live with Mr. Gariepy. At the
13 time they were concerned for her safety. They were
14 concerned that Mr. Gariepy is married. He is in the
15 middle of a custody dispute. He has made all of his
16 intentions known through all the various pleadings that
17 he has filed in this Court that he has been trying to
18 have a baby with Ms. Castellanos. The Court signed the
19 TR0. The TR0 was served in North Carolina. They got
20 Jackie and they brought Jackie back to Texas where she
21 has lived with Ms. Castellanos since then by living here
22 in Texas.

23 Ms. Nichols' report clearly states that
24 Jackie does not -- essentially is not contesting
25 guardianship at this point. Her report states that she's

1 frightened of Mr. Gariepy. She is concerned. She is not
2 pregnant, that's a fact, at this point we know that. And
3 so we don't believe that there's any reason that Mr.
4 Gariepy should even be here. Essentially, this should be
5 an uncontested temporary guardianship set on the
6 uncontested matter, were it not for the various motions
7 filed by Mr. Gariepy. We are not asking for a temporary
8 injunction. A TRO was served. It expires today. So,
9 the TRO is essentially moot at this point. All we're
10 asking for is a temporary guardianship.

11 Again, Jackie is not here. A motion to
12 waiver appearance was filed by Ms. Nichols. Ms. Nichols
13 can talk directly, but I think her report lays it out, as
14 well as the report by Dr. Gonzalez, that Jackie is
15 totally incapacitated. She does not have ability to make
16 decisions. She was fearful when she got here. She was
17 not eating or drinking because she thought she was
18 pregnant, even though she wasn't, all of which was a
19 result of her being with Mr. Gariepy. And she is not
20 here because she doesn't want to see him and she doesn't
21 want to be here. And so, this would be an uncontested
22 were it not for Mr. Gariepy.

23 I think the appropriate thing to do is Mr.
24 Gariepy has filed several motions, the first of which
25 that he has filed that I think has to be addressed is his

1 motion to intervene as a party. If that motion is
2 denied, then he doesn't have any right to participate in
3 these proceedings. We can proceed on with our -- state
4 proof of facts, oath and be done with it and move on were
5 it not for his motions. So, I think his motions should
6 be dealt with, and he has a bunch of other motions that
7 basically stream from that and deal with the TRO that I
8 filed responses to; but I think the first thing that the
9 Court ought to take up, not just to see whether or not he
10 should be able to participate, but to see under what
11 circumstances he should participate.

12 So, if you filed the motion to intervene
13 and there's a state code specifically on that in the
14 guardianship of the matter. Texas Estate Code
15 Section 1055.003. And in it it says --

16 THE COURT: Say that again.

17 MR. SNIDER: Section 1055.003. That's of
18 the Texas Estate Code. And in it it says that the motion
19 for intervention must state the grounds for the
20 intervention and must be accompanied by a pleading that
21 sets out the purpose for what the intervention is sought.
22 Mr. Gariepy filed a motion to intervene setting out his
23 grounds, but there's no corresponding pleading that goes
24 with it. He hasn't filed a contest and a pleading that
25 you would call a contest. He hasn't filed an application

1 to be a temporary guardian. He doesn't have a background
2 check. He doesn't have any actual pleading other than
3 the motion, and the statute clearly says you have to have
4 both a motion and a pleading. And there's no pleading
5 that corresponds with his motion, Your Honor.

6 THE COURT: Well, I had eye surgery
7 yesterday. So, I got in this morning and I was able to
8 read this Mr. Gariepy's motion to intervene, but I was
9 not able to read your reply.

10 MR. SNIDER: That's okay, Your Honor. It
11 was short, I mean, but essentially this statute says
12 under (B) of that statute the motion must state the
13 grounds for intervention in the proceeding and be
14 accompanied by a pleading that sets out the purpose for
15 which intervention sought. There's no pleading filed
16 with that motion. On top of that, Judge, you have the
17 discretion under the next section (C), the Court has
18 discretion to grant or deny that motion anyway. And in
19 doing that the only two things you have to consider is
20 will his intervention unduly delay or prejudice
21 adjudication of the parties rights, or does he have an
22 adverse relationship with a proposed ward so that it
23 unduly prejudiced adjudication of original parties
24 rights.

25 The adjudication of the original parties

1 rights is to appear, basically, with the attorney ad
2 litem, who agrees, and Jackie, the proposed ward, also
3 agrees, that's why she is not here, to appoint Ms.
4 Castellanos, her mother, as the temporary guardian. That
5 is being prejudiced by the various things that Mr.
6 Gariepy has filed. Now, the two reasons why he says he
7 is an intervenor is, one, that he says in his pleadings
8 he says he is a fiancée.

9 He is married. He is married and we filed
10 those documents with our application of temporary
11 guardianship. There is no divorce proceeding on file.
12 So, I don't think he can really be a fiancée, at least in
13 Texas, if he is still married to somebody else and there
14 is no divorce proceedings. They do have a custody
15 dispute on file because he has been determined that he
16 can't see that child and they have their own custody
17 battle going on there based on the fact that he wants
18 that baby and wants a baby, but he is not a fiancée.

19 The second thing he says, which would maybe
20 give some credence if it were true, but he says that
21 Jackie is pregnant. She is not pregnant. She's had a
22 urine test, she has had a blood test now that's come back
23 and we know for a fact now she is not pregnant. We know
24 that. So, she is not pregnant with his baby. She is not
25 here. She is afraid of him. She doesn't want to be

1 here, and this would have proceeded without contest were
2 it not for his intervention. I don't see that he has any
3 right to intervene. I don't think he is a proper party.
4 I don't think he has followed the statute and I think he
5 wants to convince Jackie to go back to North Carolina so
6 he can have a baby with her for his own interest, not for
7 anybody else. And I would ask the Court, right off the
8 bat before we get into the other motions, deny his motion
9 to intervene and let us proceed with the temporary
10 guardianship without any objection or interruption from
11 Mr. Gariepy.

12 THE COURT: I'm ready to hear your response
13 to Mr. Snider's arguments relating to your standing in
14 this matter.

15 MR. GARIEPY: Yeah. So, yes, my name is
16 Jean-Francois Gariepy. I filed a motion to intervene.
17 I'm sorry if I didn't file a motion that was called a
18 motion to contest, but I consider that I was contesting
19 within the content of the motion to intervene, as well as
20 within my affidavit. I'm contesting that Jacqueline
21 isn't incapacitated.

22 THE COURT: Contesting what?

23 MR. GARIEPY: I'm contesting that
24 Jacqueline isn't incapacitated.

25 THE COURT: We don't get to that issue

1 until you assert some level of standing and ability or
2 some relationship with her that gives you the right to
3 even show up here.

4 MR. GARIEPY: Okay. So, I'm her fiancée
5 and we were trying to make a baby. We have been living
6 together for three weeks. We've been together promising
7 loyalty to each other since January 2016. This is what I
8 mention in my motion to intervene and my affidavit.

9 THE COURT: Is it true that you are still
10 married?

11 MR. GARIEPY: Yes. So, it's a real promise
12 that after I am divorced and the divorce proceedings are
13 started -- after I am divorced we will marry.

14 THE COURT: So, all of your standing is
15 based upon your belief that you're the fiancée of
16 Jacqueline Castellanos?

17 MR. GARIEPY: Yes, as well as the proof is
18 in the exhibits that I attached to the affidavit that she
19 is living with me, that we've registered our health
20 insurance in our home and our car insurance. So, she is
21 my domestic partner.

22 THE COURT: I don't know what the laws are
23 in North Carolina, but in Texas a married man cannot have
24 a relationship with another individual that confers legal
25 standing upon them.

1 MR. GARIEPY: Well, in our case we are
2 separated. So, my ex-wife or my wife consents to each of
3 us having other relations because our relation is over.

4 THE COURT: Well, it may be emotionally,
5 but it's not legally if you haven't got the divorce.

6 MR. SNIDER: And if you look at the
7 pleadings, Your Honor, that we attached to the temporary
8 guardianship which we recovered from Mr. Gariepy's wife's
9 lawyer, there are not divorce proceedings on file. There
10 are custody proceedings on file, but they have
11 intentionally, for whatever reason, dealing with Mr.
12 Gariepy's seeking status or the fact that he may or may
13 not be here illegally, there is no divorce proceedings on
14 file. He is married and there's nothing on file which
15 states that his wife is asking for a divorce.

16 THE COURT: I find that Mr. Gariepy's
17 motion to intervene is -- that he lacks standing;
18 therefore, I will not grant that and I will proceed to
19 hear the testimony on the application for appointment of
20 temporary guardian.

21 MR. SNIDER: Thank you, Your Honor. Your
22 Honor, I'm going to call Ms. Marsha Castellanos.

23 THE COURT: Come forward, please, ma'am.
24 Raise your right hand.

25 (WITNESS SWORN)

1 THE COURT: Please, be seated.

2 EXAMINATION

3 BY MR. SNIDER:

4 Q. Could you state your name for the record,
5 please.

6 A. Marsha Castellanos.

7 Q. And you are here on behalf of your daughter,
8 Jacqueline Castellanos, correct?

9 A. Yes.

10 Q. And you are asking the Court to appoint you as
11 the temporary guardian in this matter, correct?

12 A. Yes.

13 Q. And you believe that's in her best interest and
14 that there is a need for immediate appointment of a
15 temporary guardian at this time. Is that correct?

16 A. Yes.

17 Q. And you've also filed an application to be
18 permanent guardian of Jackie. Is that correct?

19 A. Yes.

20 Q. Okay. And before today or this morning you
21 reviewed that proof of facts that I have placed in front
22 of you and is everything within that document true and
23 correct?

24 A. Yes.

25 Q. Okay.

1 MR. SNIDER: Your Honor, that's all I have
2 other than signing the proof of facts and the oath. I
3 don't know if Ms. Nichols has any questions.

4 MR. NICHOLS: Nothing further.

5 THE COURT: Okay. Do you have proof and
6 the oath?

7 MR. SNIDER: I do. I have a bond too, Your
8 Honor. Well, we're just asking for guardian of the
9 person because there's no asset. Ms. Castellanos doesn't
10 have any assets other than the personal belongings she
11 has at her house. So, there's no guardianship of the
12 estate needed. So, we're asking for a bond for the
13 guardian of the person. Do you want me to have her come
14 up here and how do you want us --

15 THE COURT: I've signed the order
16 appointing Ms. Castellanos temporary guardian of the
17 person and fulfilling my obligation under the rules of
18 judicial conduct by letting the D.A.'s office know that
19 there is a potential for an individual to have taken
20 advantage of an incapacitated individual by exercising
21 coercion or other means of taking advantage of them and
22 we'll let the D.A.'s office do whatever they wish.

23 MR. NICHOLS: Thank you, Your Honor, and we
24 will be.

25 THE COURT: Okay. We are adjourned.

(CONCLUSION)

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1 REPORTER'S CERTIFICATE

2 THE STATE OF TEXAS)
3 COUNTY OF JEFFERSON)

4 I, Leah Hayes, Official Court Reporter in and for
5 the Criminal District Court of Jefferson County, State of
6 Texas, do hereby certify that the above and foregoing
7 contains a true and correct transcription of all portions
8 of evidence and other proceedings requested in writing by
9 counsel for the parties to be included in this volume of
10 the Reporter's Record, in the above-styled and numbered
11 cause, all of which occurred in open court or in chambers
12 and were reported by me.

13 I further certify that this Reporter's Record of the
14 proceedings truly and correctly reflects the exhibits, if
15 any, admitted by the respective parties.

16 I further certify that the total cost for the
17 preparation of this Reporter's Record is \$841.00 and was
18 paid by Wynell Snider.

19 WITNESS MY OFFICIAL HAND this the 7th day of
20 Sept 2016.

21 Leah Hayes
22 Leah Hayes, Texas CSR 3973
23 Expiration Date: 12/31/2016
24 Texas Certified Realtime Reporter
25 Official Court Reporter
Criminal District Court
Jefferson County, Texas
Beaumont, Texas 77701
(409) 835-8579

APPENDIX “2”

NO. 115533

IN THE ESTATE OF	§	IN THE COUNTY COURT OF
JACQUELINE CASTELLANOS,	§	JEFFERSON COUNTY, TEXAS
INCAPACITATED	§	- IN PROBATE -

**APPLICATION FOR APPOINTMENT OF
PERMANENT GUARDIAN OF THE PERSON**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Marsha Castellanos ("Applicant"), and files this Application for Appointment of Permanent Guardian of the Person of Jacqueline Castellanos, an Incapacitated Person ("Proposed Ward"), pursuant to Section 1101.001 of the Texas Estates Code, and would respectfully show unto the Court the following:

1. This Court has venue over these proceedings because Proposed Ward resides in Jefferson County, Texas.
2. Alternatives to guardianship and available supports and services to avoid guardianship were considered. No alternatives to guardianship or supports and services are available to Proposed Ward or are feasible to avoid the need for a guardianship.
3. Applicant is the biological mother of Proposed Ward. Applicant's Social Security Number is XXX-XX-X467 and Texas Driver's License Number is XXXXX590. Applicant and Proposed Ward reside at 7885 Deerpark, Beaumont, Jefferson County, Texas 77713. Applicant brings this proceeding in good faith and for just cause for the purpose of having a Guardian of the Person appointed.
4. Proposed Ward is a 19 year old female, having been born on December 27, 1996. Proposed Ward's permanent residence is located at 7885 Deerpark, Beaumont, Jefferson County, Texas 77713.



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5. In this same cause, Marsha Castellanos has been appointed and is currently serving as Temporary Guardian of Proposed Ward's Person. Applicant requests that said Temporary Guardianship appointment continue until such time that a Permanent Guardian of the Person is appointed and has qualified. To the best of Applicant's knowledge, no other guardianship exists for Proposed Ward in Texas or any other state.

6. Applicant has no personal knowledge of anyone currently holding a power of attorney signed by Proposed Ward.

7. Proposed Ward is incapacitated because of a mental condition, specifically Autism with an assessed Pervasive Developmental disorder, and the degree of her incapacity is total. See the August 15, 2016 Physician's Certificate of Medical Examination from Dr. Rosa Gonzalez, M.D., which is attached hereto as Exhibit "A." Because of her mental condition, Proposed Ward is totally without capacity to make responsible decisions, and she lacks the ability to care for herself, determine her own residence, manage her property and financial affairs, vote in a public election, administer her own medications, and consent to medical, dental, psychological, and psychiatric treatment. See *id.* Accordingly, it is necessary and in Proposed Ward's best interest to have a Permanent Guardian of her Person appointed.

8. Applicant seeks to have Marsha Castellanos appointed as Permanent Guardian of the Person of Proposed Ward. Marsha Castellanos is the biological mother of Proposed Ward. Marsha Castellanos' address is 7885 Deerpark, Beaumont, Jefferson County, Texas 77713. Marsha Castellanos is eligible to act as Permanent Guardian of the Person of Proposed Ward. Marsha Castellanos is also the duly



appointed and serving Temporary Guardian of Proposed Ward's Person in this cause.

9. The specific areas of protection and assistance requested include, but are not limited to, having a Permanent Guardian of the Person of Proposed Ward appointed with the power and authority to determine Proposed Ward's residence, provide her with clothing, food, transportation, medical care and shelter, consent to medical, dental, psychological, and psychiatric treatment of Proposed Ward, and ensure Proposed Ward's overall well-being and that all of her personal needs are met.

10. Additional rights of Proposed Ward requested to be terminated include her right to vote in a public election, contract and incur obligations, obtain a bank account, sue or defend lawsuits in her own name, make gifts of real or personal property, execute a Durable Power of Attorney or Health Care Power of Attorney, and enter into a marriage.

11. Pursuant to Section 1051.103 of the Texas Estates Code, the following individuals are entitled to service of citation on this Application, unless said individuals waive service in accordance with Section 1051.105 of the Texas Estates Code:

- a. Jacqueline Castellanos
Proposed Ward
7885 Deerpase
Beaumont, Texas 77713
- b. Marsha Castellanos
Mother and Temporary Guardian and Proposed Permanent
Guardian of the Person
7885 Deerpase
Beaumont, Texas 77713
- c. Miguel Castellanos
Father
5020 Littlewood Drive
Beaumont, Texas 77706



- d. Grace Nichols
Attorney Ad Litem for the Proposed Ward
740 Hospital Drive, Suite 220
Beaumont, Texas 77701

12. The following individuals are entitled to receive notice of this proceeding pursuant Section 1051.104 of the Texas Estates Code, unless said individual waives notice in accordance with Section 1051.105 of the Texas Estates Code:

- a. Carlos Castellanos
Brother
1090 Sunmeadow Drive
Beaumont, Texas 77706
- b. Madison Castellanos
Sister
7885 Deerpase
Beaumont, Texas 77713
- c. Lindsay Szaute
Sister
54 East George Street, Apt. 1
Providence, Rhode Island 02906


WHEREFORE, PREMISES CONSIDERED, Applicant prays that notice of this Application be given as required by law; that Proposed Ward be personally served with citation to appear and answer this Application; that upon hearing hereof, Marsha Castellanos be appointed Permanent Guardian of the Person of Proposed Ward; that Letters of Guardianship be issued to Marsha Castellanos upon her taking the oath and giving bond as required by law; and, that the Court enter any other Orders it deems necessary.



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Respectfully submitted,

SNIDER LAW FIRM, PLLC



Wyatt D. Snider
State Bar No. 24039185
3535 Calder, Suite 300
Beaumont, Texas 77706
Phone: (409) 924-9595
Fax: (409) 924-0808
Email: wyatt@sniderlawfirm.com
ATTORNEY FOR APPLICANT

-AND-

BENCKENSTEIN & OXFORD, L.L.P.



Joshua C. Heinz
State Bar No. 24053264
3535 Calder Ave., Suite 300
Beaumont, Texas 77706
Phone: (409) 833-9182
Fax: (409) 833-8819
Email: jehinz@benoxford.com
ATTORNEY FOR APPLICANT



STATE OF TEXAS

COUNTY OF JEFFERSON

§
§
§

I, Marsha Castellanos, Applicant in foregoing Application for Appointment of Permanent Guardian of the Person, having been duly sworn, hereby state on oath that said foregoing Application contains a correct and complete statement of the facts and matters to which it relates and all the contents thereof are true, complete and correct to the best of my knowledge.

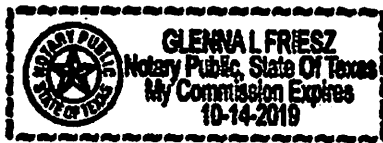
Marsha Castellanos

Marsha Castellanos

SWORN AND SUBSCRIBED TO BEFORE ME by Marsha Castellanos on this the 11th day of August, 2016.

[Signature]

Notary Public, State of Texas



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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Application was served on all known counsel of record in accordance with the Texas Rules of Civil Procedure on this the 16th day of August, 2016.



Wyatt D. Snider



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EXHIBIT "A"



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Physician's Certificate of Medical Examination

Revised September 2012

In the Matter of the Guardianship of

Jacqueline S. Castellanos

Alleged Incapacitated Person

For Court Use Only

Court Assigned: _____

To the Physician

This form is to enable the Court to determine whether the individual identified above is incapacitated according to the legal definition (on page 3), and whether that person should have a guardian appointed.

1. General Information

Physician's Name

Rosa C. Gonzalez, M.D.Phone: (409) 892-9347

Office Address

3560 Delaware #109
Beaumont, TX 77706☒ YES ☐ NO

I am a physician currently licensed to practice in the State of Texas.

Proposed Ward's Name

Jacqueline Castellanos

Date of Birth

Age 19Gender ☐ M ☒ F

Proposed Ward's Current Residence:

655 Delaware Drive
Beaumont, TX 77706I last examined the Proposed Ward on August 11, 2016 at:☒ a Medical facility ☐ the Proposed Ward's residence ☐ Other: _____☐ YES ☒ NOThe Proposed Ward is under my continuing treatment. I HAVE WITH AGREEMENT☐ YES ☒ NO

Before the examination, I informed the Proposed Ward that communications with me would not be privileged.

☐ YES ☒ NO

A mini-mental status exam was given. If "YES," please attach a copy.

2. Evaluation of the Proposed Ward's Physical Condition

Physical Diagnosis:

N/Aa. Severity: ☐ Mild ☐ Moderate ☐ Severe

b. Prognosis:

Good

c. Treatment/Medical History:

3. Evaluation of the Proposed Ward's Mental Functioning

Mental Diagnosis:

Autism Spectrum Disorder (F84.0)a. Severity: ☐ Mild ☐ Moderate ☐ Severe

b. Prognosis:

Without supervision her prognosis is poor

c. Treatment/Medical History:

No recommendations are for an updated psychological testing. Individual therapy

If the mental diagnosis includes dementia, answer the following: Social skills group therapy if available.

☐ YES ☐ NO — It would be in the Proposed Ward's best interest to be placed in a secured facility for the elderly or a secured nursing facility that specializes in the care and treatment of people with dementia.☐ YES ☐ NO — It would be in the Proposed Ward's best interest to be administered medications appropriate for the care and treatment of dementia.☐ YES ☐ NO — The Proposed Ward currently has sufficient capacity to give informed consent to the administration of dementia medications.**d. Possibility for Improvement:**

☐ YES ☐ NO — Is improvement in the Proposed Ward's physical condition and mental functioning possible? (If "YES," after what period should the Proposed Ward be reevaluated to determine whether a guardianship continues to be necessary?)



4. Cognitive Deficits

a. The Proposed Ward is oriented to the following (check all that apply):

☒ Person ☒ Time ☒ Place ☐ Situation

b. The Proposed Ward has a deficit in the following areas (check all areas in which Proposed Ward has a deficit):

- ☐ Short-term memory
☐ Long-term memory
☐ Immediate recall
☒ Understanding and communicating (verbally or otherwise)
☐ Recognizing familiar objects and persons
☒ Solve problems
☒ Reasoning logically
☒ Grasping abstract aspects of his or her situation
☒ Interpreting idiomatic expressions or proverbs
☐ Breaking down complex tasks down into simple steps and carrying them out

c. ☐ YES ☒ NO - The Proposed Ward's periods of impairment from the deficits indicated above (if any) vary substantially in frequency, severity, or duration.**5. Ability to Make Responsible Decisions**

Is the Proposed Ward able to initiate and make responsible decisions concerning himself or herself regarding the following:

- ☐ YES ☒ NO - Make complex business, managerial, and financial decisions
☐ YES ☒ NO - Manage a personal bank account
 If "YES," should amount deposited in any such bank account be limited? ☐ YES ☐ NO
☒ YES ☐ NO - Safely operate a motor vehicle
☐ YES ☒ NO - Vote in a public election
☐ YES ☒ NO - Make decisions regarding marriage
☐ YES ☒ NO - Determine the Proposed Ward's own residence
☐ YES ☒ NO - Administer own medications on a daily basis
☐ YES ☒ NO - Attend to basic activities of daily living (ADLs) (e.g., bathing, grooming, dressing, walking, toileting) without supports and services *from the past several months*
☒ YES ☐ NO - Attend to basic activities of daily living (ADLs) (e.g., bathing, grooming, dressing, walking, toileting) with supports and services
☐ YES ☒ NO - Attend to instrumental activities of daily living (e.g., shopping, cooking, traveling, cleaning)
☐ YES ☒ NO - Consent to medical and dental treatment at this point going forward
☐ YES ☒ NO - Consent to psychological and psychiatric treatment at this point going forward

6. Developmental Disability☒ YES ☐ NO - Does the Proposed Ward have developmental disability?

If "NO," skip to number 7 below.

If "YES," answer the following question and look at the next page.

Is the disability a result of the following? (Check all that apply)

- ☐ YES ☐ NO - Intellectual Disability?
☒ YES ☐ NO - Autism?
☐ YES ☐ NO - Static Encephalopathy?
☐ YES ☐ NO - Cerebral Palsy?
☐ YES ☐ NO - Down Syndrome?
☐ YES ☐ NO - Other? Please explain

*There has been no consistent pattern of low average intellectual functioning*Answer the questions in the "Determination of Intellectual Disability" box below only if both of the following are true:
(1) The basis of a proposed ward's alleged incapacity is intellectual disability.
and

Physician's Certificate of Medical Examination

Page 2 of 4



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- (2) You are making a "Determination of Intellectual Disability" in accordance with rules of the executive commissioner of the Health and Human Services Commission governing examinations of that kind.

If you are not making such a determination, please skip to number 7 below.

"DETERMINATION OF INTELLECTUAL DISABILITY"

Among other requirements, a Determination of Intellectual Disability must be based on an interview with the Proposed Ward and on a professional assessment that includes the following:

- 1) a measure of the Proposed Ward's Intellectual functioning;
- 2) a determination of the Proposed Ward's adaptive behavior level; and
- 3) evidence of origination during the Proposed Ward's developmental period.

As a physician, you may use a previous assessment, social history, or relevant record from a school district, another physician, a psychologist, an authorized provider, a public agency, or a private agency if you determine that the previous assessment, social history, or record is valid.

1. Check the appropriate statement below. If neither statement is true, skip to number 7 below.
 - ☐ I examined the proposed ward in accordance with rules of the executive commissioner of the Health and Human Services Commission governing Intellectual Disability examinations, and my written findings and recommendations include a determination of an Intellectual disability.
 - ☐ I am updating or endorsing in writing a prior determination of an Intellectual disability for the proposed ward made in accordance with rules of the executive commissioner of the Health and Human Services Commission by a physician or psychologist licensed in this state or an authorized provider certified by the Department of Aging and Disability Services to perform the examination.
2. What is your assessment of the Proposed Ward's level of intellectual functioning and adaptive behavior?
 - ☐ Mild (IQ of 50-55 to approx. 70)
 - ☐ Moderate (IQ of 35-40 to 50-55)
 - ☐ Severe (IQ of 20-25 to 35-40)
 - ☐ Profound (IQ below 20-25)
3. ☐ Yes ☐ No --- Is there evidence that the Intellectual disability originated during the Proposed Ward's developmental period?

Note to attorneys: If the above box is filled out because a determination of Intellectual disability has been made in accordance with rules of the executive commissioner of the Health and Human Services Commission governing examinations of that kind, a Court may grant a guardianship application if (1) the examination is made not earlier than 24 months before the date of the hearing or (2) a prior determination of an Intellectual disability was updated or endorsed in writing not earlier than 24 months before the hearing date. If a physician's diagnosis of Intellectual disability is not made in accordance with rules of the executive commissioner -- and the above box is not filled out -- the court may grant a guardianship application only if the Physician's Certificate of Medical Examination is based on an examination the physician performed within 120 days of the date the application for guardianship was filed. See Texas Estates Code § 1401.104(1).

7. Definition of Incapacity

For purposes of this certificate of medical examination, the following definition of incapacity applies:

An "Incapacitated Person" is an adult who, because of a physical or mental condition, is substantially unable to: (a) provide food, clothing, or shelter for himself or herself; (b) care for the person's own physical health; or (c) manage the person's own financial affairs. Texas Estates Code § 1002.017.

8. Evaluation of Capacity

☒ YES ☐ NO --- Based upon my last examination and observations of the Proposed Ward, it is my opinion that the Proposed Ward is Incapacitated according to the legal definition in section 1002.017 of the Texas Estates Code, set out in the box above.

If you indicated that the Proposed Ward is Incapacitated, indicate the level of Incapacity:

☒ Total ----- The Proposed Ward is totally without capacity (1) to care for himself or herself and (2) to manage his or her property.

☐ Partial ----- The Proposed Ward lacks the capacity to do some, but not all, of the tasks necessary to care for himself or herself or to manage his or her property.

Physician's Certificate of Medical Examination

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Evaluation of Capacity (continued)

If you indicated the Proposed Ward's incapacity is partial, what specific powers or duties of the guardian should be limited if the Proposed Ward receives supports and services? _____

If you answered "NO" to all of the questions regarding decision-making in Section 5 (on page 2) and yet still believe the Proposed Ward is partially incapacitated, please explain: _____

If you answered "YES" to any of the questions regarding decision-making in Section 5 (on page 2) and yet still believe the Proposed Ward is totally incapacitated, please explain: He has been down for about the past 3 years & has only been living in the Golden Thread House.

9. Ability to Attend Court Hearing

- ☐ YES ☒ NO --- The Proposed Ward would be able to attend, understand, and participate in the hearing.
- ☐ YES ☒ NO --- Because of the Proposed Ward's incapacities, I recommend that the Proposed Ward not appear at a Court hearing.
- ☐ YES ☒ NO --- Does any current medication taken by the Proposed Ward affect the demeanor of the Proposed Ward or his or her ability to participate fully in a court proceeding?

10. What is the least restrictive placement that you consider is appropriate for the Proposed Ward:

- ☐ _____ Nursing home level of care ☐ _____ Assisted Living Facility
- ☐ _____ Group Home ☐ _____ Memory care unit
- ☒ _____ Own Home or with family ☐ _____ Other _____

11. Additional Information of Benefit to the Court: If you have additional information concerning the Proposed Ward that you believe the Court should be aware of or other concerns about the Proposed Ward that are not included above, please explain on an additional page.

Rena C. Gonzalez, MD
Physician's Signature

Rena C. Gonzalez, M.D.
Physician's Name Printed

8/15/2016
Date

TX-50763
License Number

Revised September 2013



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11. Jacqueline is NOT on ANY MEDICATION. HER ISSUES HAVE TO DO MORE WITH THE COGNITIVE THINKING & REASONING ISSUES THAT ACCOMPANY PEOPLE WITH AN AUTISM SPECTRUM DISORDER.

Also, although Jacqueline is on the higher end of an autism spectrum disorder she still suffers from autism.

Ron C. Babin



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ROSA C. GONZALEZ, M.D. P.A.
SPECIALIZING IN ADULT, CHILD AND ADOLESCENT PSYCHIATRY

PSYCHIATRIC EVALUATION

Patient's Name: Castellanos, Jaqueline Sara
D.O.B.: [REDACTED]
Evaluated by: Rosa C. Gonzalez, M.D.
Date of Evaluation: August 11, 2016

Reason for Evaluation: Autism evaluation and level of capacity

History of Present Issues:

Jaqueline "Jackie" is a 19 year old Hispanic female who was diagnosed as having an autism spectrum disorder and speech impairment by a very well-known psychologist, Dr. Jesse Wood, from Houston Texas. She has been high functioning by those standards and mom reports although she has the typical features often found in people with autism, she had been doing well. She describes Jackie as a person who prefers to be on her own and spends lots of time on the computer, video games or watching TV. Jackie agrees that she tends to be more solitary and spends most of the time by herself although reports she feels close to her younger sister Madison.

Jackie reports that on January 2015, she listened to a podcast, The Drunken Peasants. The podcast was being done by Jean-Francois Gariapy. Jackie reports she became interested and eventually they began to have communication through the computer around August or September of 2015. Jean-Francois is said to be a 32 year old man from Canada who was working at Duke University. Jackie states that he lost his job there. He is currently separated from his third wife and has a young son who was born on December 29, 2015. Jackie states he does not have his son with him. Jackie began to communicate more and more with Jean-Francois and states that they began having a relationship over the computer. In June of this year she told him that she wanted to see him and he told her that she was welcomed to go see him in North Carolina.

Jackie reports that before Jean-Francois she has never been involved in any type of romantic relationship with anyone. She had never been intimate with anyone or had sex. She reports that on July 10th of this year, she got in her red Subaru Impreza and drove to North Carolina



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without letting any of her family know. She reports not being scared. She never really thought about the fact that there could be problems. Jackie states he was "nice" to her. She reports that she had protected sex with him during her first sexual experience with him and continued to have sex but without protection. She states she wants to get pregnant and that he wants to be a "stay at home dad". Jackie reports Jean-Francois is a YouTuber who is now working from home and also does work translating French into English. She has no idea if he has any money or how much money he makes. He lives in an apartment and states that he told her that he was going to get her a cooking show and was going to teach her about lighting and editing. She states that she likes him because he is funny and likes politics and science. She reports that she loves cooking and the idea of having a cooking show.

Jackie states that her parents want and took her from North Carolina and brought her back here to Beaumont. She reports being angry and upset with them. There is also worry that she may be pregnant. A urine pregnancy test was just done and found to be negative. She has a blood pregnancy test that will be done shortly. According to Jackie's mother, Marsha, this man is not stable and is worried about the physical and mental state of her daughter. Marsha has an affidavit from a private investigator about a situation with Jean-Francois and a relationship with a girlfriend, Diana Xia, where she does not feel that Jean-Francois is mentally stable. Jackie's mother, Marsha, feels her daughter Jackie is being taken advantage by this man and that she is in danger being with Jean-Francois. He has stated that he and Jackie are going to marry each other as soon as he gets a divorce from his current wife. That although he does now think that Jackie is incapacitated, should she found to be so, then he wants to be her guardian as her "domestic partner and future husband". Marsha Castellanos states that everything is so stressful for the whole family. She is also worried about Jackie. She knows that Jackie is upset and reports Jackie is just pacing and having trouble sleeping. Jackie still does not seem to understand the potential unhealthiness of this relationship and its consequences. Jackie states she is tired of being looked at as a child and that Jean-Francois does not treat her like a child. Jackie does report problems recently with her sleeping and not being able to sleep or get rest.

Past Psychiatric History: She was initially diagnosed as having a pervasive developmental disorder (PDD) by Dr. Jesse Wood of Houston. She was subsequently evaluated a couple more times as she was growing up. The diagnosis of PDD is now under the autism spectrum disorder label. She was also seen by Dr. James Duncan in 2009 and diagnosed with PDD and Low Average Intellectual Functioning. He stated that the social skills issues needed to be monitored and assessed particularly as those would be more critical during adolescence. He also recommended continued speech therapy at that time.

Past Medical History: During pregnancy with Jacqueline, her mother had bleeding during the first trimester. Jacqueline was carried to term. Because of a breech presentation, Jacqueline was delivered by C-section. Jacqueline's cord was wrapped around her neck. Jacqueline weighed 6 lbs and 1 ounce at birth. Although there was some distress at birth, Jacqueline recovered and went home after just a few days in the hospital. Developmentally, Jacqueline's speech was delayed. She did not talk until she was over 3 years old. Toilet training was achieved at the age of 4. Genetic studies were done and found to be negative. As she got older,



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cognitive testing was done and reportedly she was functioning in the borderline to low average range. Otherwise, she is reported to have no other medical problems except for having to wear eyeglasses.

Medications: none

Allergies: no known drug allergies

Family History: brother who had some problems with depression when younger after finding his biological mother dead. Biological father has a history of cyclothymia. Biological mother has a history of possible postpartum depression.

Social History: Jacqueline was born in Beaumont and currently resides in Beaumont with her mother. Her biological parents divorced when she was about 4 years old. She states she has been close to both of her parents although she can get upset with them. "Everyone treats me like a child". She has two half siblings – Carlos is 29 years old and Lindsay is 27. She also has a younger sister Madison, age 17, whom she reports being the closest to. Jacqueline reports she left to North Carolina and had been with Jean Francois for almost a month until her parents went and got her and brought her back here.

Patient reports she has always been more to herself. Previous reports stated that Jacqueline would report that some kids at school were mean to her. She spends most of her time on the computer, video games, or watching TV. She reports never really having friends and does not like crowds of people. She denies any history of alcohol or drug use. She reports until now she had never had sex or been in an intimate relationship.

She did graduate from Lumberton High School and went to the Lamar Institute of Technology (LIT) school for web design. She reports going for 2 to 4 years. She states she does not do this type of work or is interested in doing this type of skill at this time.

Weight: 127 lbs **Height:** 5 ft 5 inches (with shoes)

Mental Status Examination:

Jacqueline was dressed in jeans and a black patterned blouse. She has long dark brown hair and wears eyeglasses. For part of the interview her mother was present and then time was spent with Jacqueline alone. Jacqueline seemed upset and was fidgety and seemed anxious. Her dress and hygiene were appropriate. She reported that she had not been sleeping well since being brought back by her parents. She reported both problems with initial and middle insomnia. She reports her mood as being upset and her affect seemed sad, anxious ...and upset when talked about her mother and father bringing her back. Her thought process seemed slow but her thought content had no auditory or visual hallucinations. Her answers to questions seemed to take a long time to find a response if she had one although once she answered it seemed appropriate. She was able to subtract 7 from 100 but did it very slowly as if counting her fingers. She also seemed upset or anxious when I asked her to keep subtracting 7 from the answer she would get. I asked her to spell Houston for me and was able to do it forward but



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had difficulty doing it backwards. Later during the interview she suddenly tried to spell Houston backwards for me again. It was as if she was frustrated and yet at the same time was trying to be able to answer correctly. I asked her how she was planning to take care of herself in North Carolina and she responded that she and Jean Francois were going to work on a cooking show. She was not aware of how much money he has or how much money he makes. I asked her about the possibility of being pregnant and being a mother having to take care of a small child. She stared, was quiet, and no answer was ever given. Later she stated that she liked animals and that she has 3 cats. I asked her if she would be able to take care of herself if something happened to Jean-Francois or if he left and again she had no response. She reports feeling bored at home and states she doesn't really like to go out. She denies any suicidal or homicidal ideations. There were periods during my interview with her where she seemed to get distracted and would have like a blank stare until I would have to redirect her,

Assessment:

Axis-I Autism Spectrum Disorder (F84.0); adjustment disorder with mixed anxiety and depressed mood (F43.23) – an adjustment disorder is a group of symptoms, such as stress, feeling sad or hopeless, and physical symptoms that can occur after you go through a stressful life event; hx of low average intellectual functioning

Jaqueline S. Castellanos is a 19 year old Hispanic female with a diagnosis of an Autism Spectrum Disorder. By a previous classification she would have been described as having a Pervasive Developmental Disorder. She is high functioning for someone with an autism spectrum disorder. Autism Spectrum Disorders (ASD) is the name for a group of developmental disorders. People with ASD often have ongoing social skills issues that include difficulty communicating and problems interacting with others. These symptoms usually hurt the individual's ability to function socially, at school or work, or other areas of life. Symptoms that are often seen in people with autistic spectrum disorders are problems with attention and focus and obsessive thinking. They can have a lasting, intense interest in certain topics, details, or facts. They can also become obsessed with things such as Pokemon, the solar system, a certain character or artist for example. They typically are not very social because of their social "awkwardness" and do tend to spend a lot of time by themselves or with computers, tablets, TV shows. Some may have problems with speech or language or they can often talk at length about their favorite subject without noticing that others are not interested or without giving others a chance to respond. People with ASD may have other difficulties such as sensitivity to noise, light, texture of things including food and so they may be very picky eaters. On the other end, people with ASD may excel in having fact information about something they really like.

The concern here with Jacqueline, who suffers from an autistic spectrum disorder, in the situation she finds herself in is that she was spending a lot of time on the computer. She found someone she made a connection with and likely feeling lonely and as she describes "tired of feeling like everyone thinks she is a child", did not really have the thought process to rationalize



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things like most of us do. Also realize that she physically is a 19 year old girl with hormones who had never gotten attention and this person was giving her a lot of attention. She likely became obsessed communicating with him on the computer and developed "a relationship". Then impulsively one day for someone who has always been taken care of, gets in a car and drives all the way to North Carolina to be with this man. In this case, the problem is not necessarily her intelligence level put her cognitive processing and social skills issues that can get her into a lot of problems. Keep in mind that even people that do not suffer from an autistic spectrum disorder can become obsessed with someone on the Internet and make an impulsive act to meet them. The concern here with Jacqueline is that because of her autism spectrum disorder, someone can really take advantage of her because she cannot read social cues like most of us can. Also, I do not know this man but another issue is whether any man, who may also not be stable, could take advantage of Jacqueline because of her situation. The things to worry here are whether this person could maybe not even physically but most likely emotionally hurt this person. In the short amount of time they have been physically together, this man seems to be obsessed with wanting a child and is looking at having a child with someone who has difficulty even taking care of herself. They have been having unprotected sex and although Jacqueline states she wants to have a baby she really seems to have no clue about what she would do with a baby or how to take care of one at this point.

Financially, Jacqueline states she does not know how much money this man has or makes. She also does not work and has not worked, so she does not have any money. She is not sure what she would do if they were together and he would suddenly leave. She does not know how to handle financial matters as her mother has been handling that for her all of her life. She does not seem to have knowledge of how to take care of all those other things we need like how to do laundry, pay bills, fix small things around the house, etc. She is able to take a bath and do most of the activities of daily living even though mom reports she often has to remind Jacqueline to do them. She states she will cook some by following a cookbook recipe.

As for the question of Capacity...an incapacitated person is an adult individual who because of a physical or mental condition, is substantially unable to provide food, clothing, or shelter for himself or herself, to care for the individual's own physical health or to manage the individual's own financial affairs. At this time I find no proof that Jacqueline S. Castellanos is able to provide food, clothing, or shelter for herself. She is not employed and therefore has no financial resources of her own. I do not see her being able to gain employment at this time to make enough money to be able to take care of herself. The problems with her autism spectrum disorder make her cognitive and social skills processing a problem that could get her into a lot of problems without the right guidance. I do not feel she has the ability at this time to make an informed judgment as to marriage, she is currently unable to apply for and receive governmental benefits on her own, and she has been unsuccessful at seeking or retaining employment. She does not have the ability to contract and incur obligations, no ability to sue or defend lawsuits, no ability to manage property or to make any gifts or disposition of property, no ability to determine a safe residence, no ability to consent to medical, dental, psychological and psychiatric treatment, no ability to handle a bank account on her own, no ability to make decisions regarding financial obligations, no ability to enter into insurance

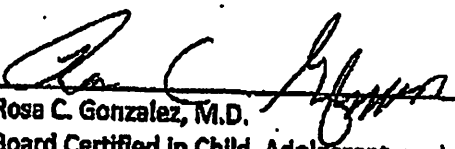


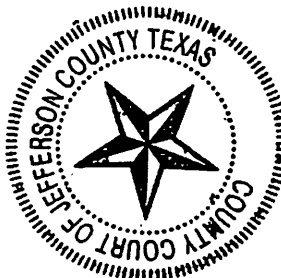
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contracts of every nature. She has the ability to operate a motor vehicle but would not know what to do should something happen except to be able to call her parents. At this time, I do not find Jacqueline S. Castellanos capable of being able to take of herself.

Recommendations:

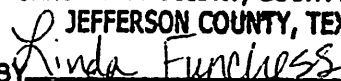
1. Parents to look into legal matters in this case including guardianship of Jacqueline.
2. I do not find any recent psychological testing or updates so I would recommend that this be done including intellectual testing and cognitive testing. This testing can be done by a psychologist. I have given mother two psychologists in this area that could do the testing although she could have it done anywhere. The two psychologists in this area are Dr. Carmen Kaimann who works at Beaumont Psychological Services. Her address is 3560 Delaware, Suite 107. Her telephone number is (409) 899-3244. The other psychologist is Dr. Julie Sherman who is located on 80 Interstate 10N, Suite 205 here in Beaumont. Her telephone number is (409) 225-5796. Her business name is Southeast Texas Behavioral Solutions.
3. The parents should look into social groups training for Jacqueline and may even benefit from some individual therapy. The name of Christy Mellen, a local therapist, has already been given to Jacqueline's mother and states that she will be contacting her. There is also a therapist named Mrs. Lawrence who is starting some social skills groups although I am unsure of the age that she is accepting. She might also benefit from looking into DARS (The Texas Department of Assistive and Rehabilitative Services) which can provide assistive and rehabilitative services.
4. I did speak to Jacqueline about trying a sleep aid or something for anxiety but she stated she did not want to be on any medication. We discussed her being tested to see if she is pregnant. So far the urine pregnancy test was negative but she will also be getting a blood test to be certain. I told her to think about it and if the tests proved to be negative and she was still having problems with sleep and anxiety we could again talk about trying something or she could talk about it with her therapist.


Rosa C. Gonzalez, M.D.
Board Certified in Child, Adolescent, and Adult Psychiatry



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Witness my Hand and Seal of Office
SEP 13 2016

CAROLYN L. GUIDRY, COUNTY CLERK
JEFFERSON COUNTY, TEXAS

BY  DEPUTY
Linda Funchess

APPENDIX “3”

NO. 115533

IN THE ESTATE OF	§	IN THE COUNTY COURT OF
JACQUELINE CASTELLANOS,	§	JEFFERSON COUNTY, TEXAS
INCAPACITATED	§	- IN PROBATE -

ORDER APPOINTING PERMANENT GUARDIAN OF THE PERSON

On this day came to be considered the Application filed by Marsha Castellanos for Appointment of Permanent Guardian of the Person of Jacqueline Castellanos, an adult, whose presence was determined to be not necessary by the Court. After considering said Application, along with the other pleadings and records on file in the cause, testimony, and the report of the Attorney Ad Litem, the Court finds by clear and convincing evidence that Proposed Ward is an incapacitated person, that it is in the best interest of Proposed Ward to have the Court appoint a Permanent Guardian of her Person; and that the rights of Proposed Ward and the Proposed Ward's property will be protected by the appointment of a Permanent Guardian.

The Court further finds by a preponderance of the evidence that this Court has venue of this matter under the provisions of Section 1023.001 of the Texas Estates Code because Proposed Ward resides in this county; that the Court has jurisdiction of this matter; that Proposed Ward has no permanent legal Guardian of the Person; that Marsha Castellanos is eligible to serve as Permanent Guardian of the Person of an Incapacitated Person; that Proposed Ward is an adult, and is Incapacitated because of a mental condition; and, that Proposed Ward is totally without capacity, as provided by the Texas Estates Code, she is unable determine her own residence, manage her property and financial affairs, vote in a public election, administer her own medications,



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and consent to medical, dental, psychological, and psychiatric treatment. The Court further finds that Applicant has proven each element required by the Texas Estates Code to create a guardianship; that due notice of said Application has been given as required by law; that Proposed Ward is a female, who is nineteen (19) years old, having been born on December 28, 1996; that there is no necessity for the appointment of appraisers; that Proposed Ward is totally incapacitated and a full guardianship over his Person should be granted; that this determination of incapacity was based on evidence of recurring acts or occurrences within the preceding six-month period and not isolated instances of negligence or bad judgment; and, that this Application should be granted.

The Court further finds that the appointment of a Permanent Guardian of the Person is in the best interest of Proposed Ward, and that the rights and property of Proposed Ward will be protected by the Appointment of a Permanent Guardian of the Person.

NOTICE TO ANY PEACE OFFICER OF THE STATE OF TEXAS: YOU MAY USE REASONABLE EFFORTS TO ENFORCE THE RIGHT OF A GUARDIAN OF THE PERSON OF A WARD TO HAVE PHYSICAL POSSESSION OF THE WARD OR TO ESTABLISH THE WARD'S LEGAL DOMICILE AS SPECIFIED IN THIS ORDER. A PEACE OFFICER WHO RELIES ON THE TERMS OF A COURT ORDER AND THE OFFICER'S AGENCY ARE ENTITLED TO THE APPLICABLE IMMUNITY AGAINST ANY CIVIL OR OTHER CLAIM REGARDING THE OFFICER'S GOOD FAITH ACTS PERFORMED IN THE SCOPE OF THE OFFICER'S DUTIES IN ENFORCING THE TERMS OF THIS ORDER THAT RELATE TO THE ABOVE-MENTIONED RIGHTS OF THE COURT-APPOINTED GUARDIAN OF THE PERSON OF THE WARD. ANY



PERSON WHO KNOWINGLY PRESENTS FOR ENFORCEMENT AN ORDER THAT IS INVALID OR NO LONGER IN EFFECT COMMITS AN OFFENSE THAT MAY BE PUNISHABLE BY CONFINEMENT IN JAIL FOR AS LONG AS TWO YEARS AND A FINE OF AS MUCH AS \$10,000.00.

Possible alternatives to guardianship and available supports and services are not feasible and would not avoid the need for guardianship.

It is therefore ORDERED that Marsha Castellanos is appointed Permanent Guardian of the Person of Jacqueline Castellanos, an Incapacitated Person, with all of the duties, powers, and limitations hereby granted to a Permanent Guardian of the Person by the laws of this State; that Letters of Guardianship of the Person be issued to Marsha Castellanos upon her filing of an oath and executing and giving a personal bond in the amount of \$ 1,000, payable and conditioned as required by law; and the Clerk is hereby directed to issue Letters of Guardianship of the Person to the said Marsha Castellanos upon her qualification according to law.

It is further ORDERED that the Permanent Guardian of the Person shall submit to the Court an annual report complying with the requirements set forth in the Texas Estates Code.

It is further ORDERED that this Guardianship shall be a full guardianship and that the Ward shall be declared totally incapacitated without the authority to exercise any rights or powers for herself.

It is further ORDERED that Grace Nichols, Attorney Ad Litem for Ward, is hereby discharged and released from her duties as Attorney Ad Litem in this matter, and that her fees and expenses, subject to review and approval by the Court, shall be paid out of



the Ward's Estate.

It is further ORDERED that, subject to review and approval by the Court, all costs, fees and expenses incurred by the parties to this cause, including but not limited to attorney fees and expenses related to the establishment and administration of the Guardianship, as well as court costs, shall be paid out of the Ward's Estate.

It is further ORDERED that the term of this guardianship shall be until the Ward is restored to full legal capacity, dies, or until the Court determines this matter shall be terminated.

SIGNED on September 14th, 2016.


JUDGE PRESIDING

APPROVED AS TO FORM:

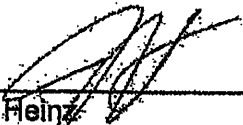

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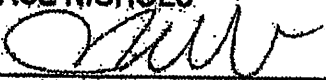
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BENCKENSTEIN & OXFORD, L.L.P.



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ATTORNEY FOR APPLICANT

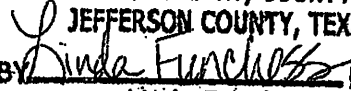
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ATTORNEY AD LITEM



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Witness my Hand and Seal of Office
SEP 16 2016

CAROLYN L. GUIDRY, COUNTY CLERK
JEFFERSON COUNTY, TEXAS
BY  DEPUTY
Linda Funchess